

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON THE DATE INDICATED BELOW.

BY:

Martha O. Helber

DATE:

September 13, 1999

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of Darwin J. Prockop *et al.* : Group Art Unit 1651
Appln. No: 08/913,918 :
Filed: December 8, 1997 : Examiner: Jean C. Witz
Title: ISOLATED STROMAL CELLS AND METHODS OF USING SAME : Attorney Docket
: No. 9855-14U1
: (TJU-1857)



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RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Responsive to the Election of Species Requirement dated August 16, 1999 (Paper No. 12), issued in connection with the above-identified application, Applicants hereby elect

a gene construct encoding an obesity factor.

The Applicants believe that each of pending claims 37, 38, and 55-68 are readable on the elected species.

An early and favorable first office action on the merits is respectfully requested.

Respectfully submitted,
Darwin J. Prockop, *et al.*

September 13, 1999
(Date)

By:

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